MIGRANTS AND SOCIAL PROTECTION IN EUROPE

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Migrants And Social Protection Floors

Facilities and Obstacles to Access to Different Welfare State Services in Time of Crisis

International Expert Seminar, Madrid, 23 April 2015

HUMAN RESOURCES

(GROWTH POTENTIAL OF EU HUMAN RESOURCES AND POLICY IMPLICATIONS FOR FUTURE ECONOMIC GROWTH– DG EMPL WORKING PAPER 03/2013)

1) At global level, Europe is at the forefront of the demographic adverse trends. Following a period of almost 40 years of declining demographic dependency, Europe is currently entering a period of **WORKFORCE AGEING** and **INCREASING DEMOGRAPHIC DEPENDENCY,** as the current generation progressively exits the labour market and joins the ranks of dependent population.
2) At first glance the economic downturn and its depressing impact on economic growth and labour demand in particular appear to defer the growing demographic pressure on labour supply. Declining share of economically active population brings **NEW CHALLENGES**.
3) Some of the best performing EU economies, namely, are already facing **labour supply bottlenecks** due to the speed at which their workforces are ageing and the lack of labour reserves.
4) The shrinking workforce will hinder employment growth unless spectacular progress is made in a range of relevant policies (activation policies, substantially higher investment in human resources development incentives for higher intra-EU mobility and **more effective economic migration and integration policies)**.

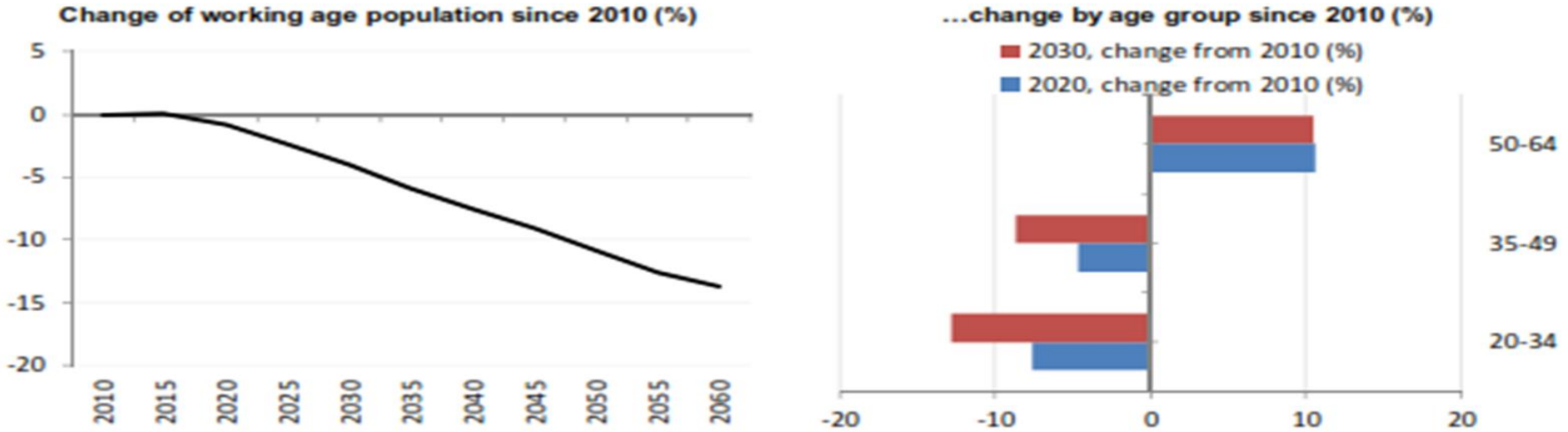
AGEING AND WORKING AGE POPULATION

(GROWTH POTENTIAL OF EU HUMAN RESOURCES AND POLICY IMPLICATIONS FOR FUTURE ECONOMIC GROWTH – DG EMPL WORKING PAPER 03/2013)

Social Europe
Growth potential of EU human resources

European Commission

Graph 2: The impact of demographic ageing on the working age population, EU-27



Source: Eurostat Europop2010 population projection, convergence scenario

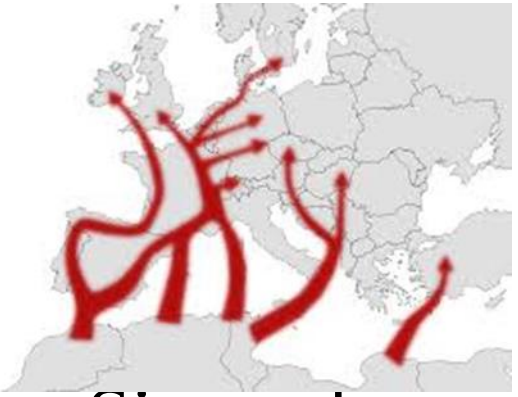
MIGRATION CONTROVERSY

(GROWTH POTENTIAL OF EU HUMAN RESOURCES AND POLICY IMPLICATIONS FOR FUTURE ECONOMIC GROWTH – DG EMPL WORKING PAPER 03/2013)

1) **Migration** is high **on** both **national** and **EU agendas**. The **decline and ageing** of the European population has contributed to an increased awareness concerning the **need for immigration**.
2) The demographic factor, coupled with its foreseeable **implications on the various social welfare systems**, has provoked increased debate concerning immigration within EU institutions and EU Member States alike.
3) There is a growing awareness that **without migrants, Europe will not be able to maintain the same standard of living**.
4) However, as much as European States are competing with others (USA, Japan...) for **highly skilled third-country nationals**, a trend can be seen among some Member States **towards more restrictive policies** with regard to other forms of legal immigration, such as family reunification. Member States are struggling to find approach to migration that is **suitable for highly skilled migrants,** preventive for irregular migration and safeguarding the human rights of migrants.

MARITIME MIGRATION

(MIGRATION POLICY PRACTICE, DECEMBER 2014–JANUARY 2015)



Mediterranean migration is neither new nor static. Since the early 1990s, there has been a persistent flow of both irregular migrants and asylum-seekers from across Africa and beyond (Morocco, Sicily).

The most preferred route is from **Libya** to Italy.

Large ships set off from **Turkey** (Syria), bypassed both Greece and Cyprus.

Black sea - discovery of boats crossing the sea to Romania.

ASYLUM AND HUMANITARIAN AID

(MIGRATION POLICY PRACTICE, DECEMBER 2014–JANUARY 2015)

From the perspective of global protection, maritime migration - symptom of **WORLDWIDE HUMANITARIAN CRISES**.

Majority of the world's refugees - protected in their region of origin, but the EU has seen an increase in asylum claims over the past couple of years. A number of countries are experiencing significant increases in applications – notably in Germany, Sweden and Italy. Each EU Member **STATE MANAGES ITS OWN ASYLUM SYSTEM** independently.

However, the **responsibilities are divided unevenly** across the continent, and these mean pressures on national asylum systems. The majority of EU Member States still deal with a very small proportion of the total number of new asylum-seekers each year.

National politicians try to „square the circle" of providing **effective protection** to an increasing **number** of **asylum-seekers** in a context of **limited public resources** and **uncertain public support.**

MOBILITY, COHESION AND SECURITY

(MIGRATION POLICY PRACTICE, DECEMBER 2014–JANUARY 2015)

1) Growing number of EU citizens who have departed to fight with insurgents in the Middle East, has catalysed a series of linked **POLICY CHALLENGES** related to the **mobility** and **COHESIVENESS** of Europe's populations.
2) At the community level, there are **initiatives to prevent young people** from departing (to Syria), as well as efforts to **rehabilitate those who return**.
3) At the national level, a number of governments have discussed and implemented policies to confiscate travel documents from those who intend to travel to train or fight with extremist groups in the Middle East, and **withdraw citizenship** from those who choose to return.
4) Discussions are emerging as to **how to** effectively **prevent further violent attacks** in the absence of internal border controls, and few checks on citizens arriving at the external borders of the EU.

ASYLUM

(MIGRATION POLICY PRACTICE, DECEMBER 2014–JANUARY 2015)

1) Asylum claims are likely to **remain strong** within the EU.
2) Syria, Iraq and the deteriorating situation in Libya.
3) Italy continue to be a hot spot for Southern arrivals, due in part to its readiness to conduct search and rescue, but also opportunities to travel on through to the rest of the EU.
4) Turkey will remain the biggest hosts of Syrian refugees, Russian Federation has seen significant asylum applications from Ukraine (Polish work permit allocations to Ukrainians have increased).

FREE MOVEMENT WITHIN EU

(MIGRATION POLICY PRACTICE, DECEMBER 2014–JANUARY 2015)

1) Germany is **attractive** to mobile EU citizens. Trend that is likely to continue.
2) Mobility from Central and Eastern Europe are now complemented by emigration from **crisis-hit countries** across the EU, notably Greece, Italy, Portugal and Spain.
3) Despite expected improvements, unemployment is still driving **young people** to seek opportunities elsewhere.
4) **Old challenges** – such as language barriers and recognition of existing skills – inhibit free movers from maximizing their potential.
5) There is currently **LITTLE POLITICAL SUPPORT** at national level for major overhaul of legal migration, and **DEEP OPPOSITION** to promoting intra-EU mobility for third-country nationals at a time when free movement for EU citizens is in question.

LEGAL MIGRATION FROM THIRD COUNTRIES

(MIGRATION POLICY PRACTICE, DECEMBER 2014–JANUARY 2015)

1) **Stronger economies** such as Germany and the United Kingdom will see large number of third-country national workers. Family migration will remain dominant, including family members of those given refugee status within the EU.
2) **Political upheaval** is likely to dominate the immigration policy landscape, with questions of public confidence in the ability of incumbent governments to manage immigration and asylum systems emerging more strongly (public concerns about immigration).
3) Key questions include whether to place **numerical limits** on the free movement regime and managing **access to public benefits** more effectively (also in internal EU migration cases).
4) Many of the populist parties have a strong ethnic tone, whether directed towards Muslim or Roma populations. Some parties in government have also adopted **ANTI-IMMIGRATION POSITIONS.**

CRIMINALISING SOLIDARITY

(COUNCIL DIRECTIVE 2002/90/EC OF 28 NOVEMBER 2002 DEFINING THE FACILITATION OF UNAUTHORISED ENTRY, TRANSIT AND RESIDENCE)

1) Public consultation is carrying out to influence the European Union to make sure that **member states no longer may criminalise humanitarian assistance to undocumented migrants** in Europe. The EU law allowing criminalisation, the **Facilitation Directive** (2002/90/EC), is currently being evaluated by the European Commission.
2) In Europe **humanitarian services -** including the provision of food, shelter, medical care, or legal advice **- may be met WITH SANCTIONS**. This may include restrictions on funding, financial penalties, imprisonment and other forms of punishment.
3) There are also instances where the organisation or individual providing humanitarian assistance has the **duty to report undocumented migrants** to the authorities.

STATE OF PLAY

(SOCIAL PLATFORM, 2015)

Despite the fact that the Facilitation Directive does not encourage criminalisation of those who offer humanitarian assistance to undocumented migrants, statistics compiled by the *EU Fundamental Rights Agency* has found that:

1) **27 member states punish** facilitation of stay (Ireland is the exception as it is not bound by the Facilitation Directive).
2) 13 member states punish facilitation of stay, **even if there is no financial motive.**
3) 8 member states punish both facilitation of stay that is **not for profit, and for humanitarian reasons.**
4) **Only 8 member states exempt** at least some forms of **humanitarian assistance** to irregularly staying migrants.

GOOD AND BAD EXAMPLES

(SOCIAL PLATFORM, 2015)

1) In some EU countries, **regional authorities are challenging national legislation** through their activities. For example in Utrecht, the Netherlands and similarly, in Tuscany, Italy, far-reaching policies were introduced that go above and beyond national legislation.
2) At national level favour is still set **against service providers who assist undocumented mig**rants (Cyprus, United Kingdom).
3) However, there are **some positive examples** of people coming together to defend the human rights of undocumented migrants and the rights of service providers to offer humanitarian assistance.
4) The 'Let's Save Hospitality' ('Salvemos la Hospitalidad') campaign in **Spain** successfully lobbied the Spanish government to change its Criminal Code.
5) The Conference of European Churches successfully challenged the **Netherlands**'s social welfare system in the Council of Europe, which found that it violated the rights of undocumented migrants.

INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (ICRMW)

(MIGRANT WORKERS RIGHTS IN EUROPE, 2011)

United Nations Human Rights
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

1) EU Member States have ratified the **core** international **human rights treaties** with the exception of the ICRMW. Most of the rights these treaties protect apply to everyone, **including migrants**, whether in a regular or irregular situation.
2) Ratification of the ICRMW faces **opposition in numerous European States** principally on the ground that it protects a group of persons not deemed "entitled" to this level of protection. ICRMW specifically **protects the rights of all migrant workers** and members of their families, **including** when they are **undocumented** or in an irregular situation, because they are more vulnerable to abuse.
3) Ratification of the ICRMW would thus represent **one step towards greater recognition** and respect of migrants as contributors to European economies. **Migration and asylum policies come within the Community competence.** *(Only Albania and BiH).*

EUROPEAN CIVIL SOCIETY ORGANIZATIONS

(RATIFICATION OF THE UN MIGRANT WORKERS CONVENTION IN THE EUROPEAN UNION SURVEY ON THE POSITIONS OF GOVERNMENTS AND CIVIL SOCIETY ACTORS, 2010)

1) **European Platform for Migrant Workers' Rights** (EPMWR), launched a petition specifically calling on the Member States of the EU to ratify the Migrant Workers Convention.

2) Hundreds of civil society organizations and networks expressed their support, including amongst others: **EUROPEAN SOCIAL PLATFORM**, European Network against Racism, Eurostep, European Anti-Poverty Network, Amnesty International, Human Rights Watch, and International Federation for Human Rights (FIDH), Solidar, the Churches' Commission for Migrants in Europe and the Euro-Mediterranean Human Rights Network (EMHRN) .

3) The **European Federation of Public Service Unions** (EPSU), the European branch of the Public Services International (PSI), supports the ratification of the ICRMW and calls for a European framework on migrant workers' rights, based on the Convention.

4) In its Action Plan adopted at the Seville Congress of May 2007, the **ETUC** expressed its commitment to intensify actions and campaigns at both European and national level in favour of ratification and application of all conventions and important instruments on the **protection of the rights of all migrant workers and their families.**

EUROPEAN CONVENTION ON THE LEGAL STATUS OF MIGRANT WORKERS

(AN ANALYSIS OF ITS SCOPE AND BENEFITS, 1999)

1) This Convention is concerned with the **principal aspects of the legal situation** of migrant workers, in particular recruitment, medical examinations, occupational tests, travel, residence permits, work permits, the reuniting of families, working conditions, the transfer of savings and **social security**, **social and medical assistance,** the expiry of work contracts, dismissal and re-employment.
2) Nationals of any contracting party **legally employed** and **resident** on the territory of another contracting party, provided that the duration of a work contract exceeds six months.
3) The Convention forms, together with the (revised) European Social Charter (Articles 18 and 19 in particular) and the European Convention on Social Security an **ensemble of rights** that strengthens the protection of migrant workers.
4) Since 1977 **only 11 ratifications**.

SOCIAL INCLUSION FOR ALL

(UNEQUAL EUROPE RECOMMENDATIONS FOR A MORE CARING EU, 2015)

1) **SOCIAL INCLUSION RHETORIC** by the European Union without delivery is counter productive in terms of the EU's own legitimacy. We must be clearer on what social inclusion means in practice, and how member states can deliver it.

2) **Universal access to social services** is a basic feature of the European social model, and should enjoy greater prominence in a **social investment** strategy, with access to quality child-care a prime example.

3) Considering a European policy on the overall quality of **minimum income protection**, with **minimum wages,** social benefits, minimum income protection with reference to the economic development of each EU country.

4) **Making the economic case for migration must be complemented with a strong social case for minimum standards and against discrimination based on origin or ethnicity.**

MIGRANT WELL-BEING

(WORLD MIGRATION REPORT. 2013, MIGRANT WELL-BEING AND DEVELOPMENT, I.O.M.)

International Organization for Migration (IOM)
Organisation internationale pour les migrations (OIM)
Organización Internacional para las Migraciones (OIM)

1) Different definitions of the term well-being. The **FIVE ESSENTIAL ELEMENTS**, Gallup scientists identify **1. CAREER, 2. SOCIAL CONNECTIONS, 3. PERSONAL ECONOMICS, 4. HEALTH,** and **5. COMMUNITY** as the main contributors to a person's overall subjective wellbeing.

2) Other terms to describe are such as **QUALITY OF LIFE, LIVING STANDARDS, HUMAN DEVELOPMENT** and **HAPPINESS**. In fact, well-being is a broader concept, encompassing a number of different dimensions. It can be measured by asking people how they feel and their **perceptions** about different aspects of their lives, such as **JOB SATISFACTION, PERSONAL RELATIONSHIPS** and **COMMUNITY ATTACHMENT**. It can also be measured through the collection and verification of objective data such as **EMPLOYMENT RATES, SALARY LEVELS, LIFE EXPECTANCY** and **HOUSING CONDITIONS**.

3) It might be **expected** that a person with higher scores on objective criteria would be happier – that **objective well-being correlates with subjective well-being or happiness**.

4) However, the linkages between objective and subjective well-being are quite complex and convergence is not complete. „Easterlin paradox" or economist Carol Graham (2009): **THE PARADOX OF HAPPY PEASANTS AND UNHAPPY MILLIONAIRES.**

Thank you for your attention

Gracias por su atención

Ďakujem za Vašu pozornosť